

Clinton.¹⁷⁴ There is no substantial credible evidence to the contrary.

B. The Evidence Establishes That Mr. Marceca Did Not Violate 18 U.S.C. § 1001 Because He Was Unaware That Any Particular Request for a Background Report Contained a Statement That Was False.

Following the Attorney General's Application for the Appointment of an Independent Counsel, the Special Division expanded the jurisdiction of the Independent Counsel to authorize the investigation of possible false statements by Mr. Marceca, in violation of 18 U.S.C. § 1001, in making his requests to the FBI for background investigation reports.¹⁷⁵ First, the OIC examined the "Nussbaum" forms submitted by Mr. Marceca to the FBI requesting background reports to determine whether these requests were, in fact, false. Second, the OIC gathered, reviewed, and analyzed other evidence to determine whether Mr. Marceca knew, when he submitted the Nussbaum forms to the FBI, that he was requesting previous background reports for persons who did not require access to the White House. Based on a complete analysis of the evidence, the Independent Counsel concluded that Mr. Marceca did not violate 18 U.S.C. § 1001.

¹⁷⁴ The allegations that Mrs. Clinton was involved in the hiring of Craig Livingstone and that Bernard Nussbaum lied to Congress to cover up Mrs. Clinton's role in such a scheme were unsubstantiated. See Final Report In re: Bernard Nussbaum, No. 94-1 (D.C. Cir. [Spec. Div.] Oct. 25, 1996) (filed March 16, 2000).

¹⁷⁵ Order, Div. No. 94-1 at 1 (D.C. Cir. [Spec. Div.] June 21, 1996).